

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

Civil No. 13-cv-179-SM

N.H. State Prison Warden, et al.

REPORT AND RECOMMENDATION

Pro se prisoner plaintiff Paul Blackmer has filed a complaint (doc. no. 1), suing defendant prison officials and staff for alleged constitutional violations. Presently before the court is Blackmer's motion seeking to proceed in forma pauperis in this action (doc. no. 2), pursuant to 28 U.S.C. § 1915(a).

Blackmer is subject to the three strikes restriction set forth in 28 U.S.C. § 1915(g). See Blackmer v. Merrimack Cnty. Superior Court, No. 12-CV-461-JD, 2013 WL 322209 (D.N.H. Jan. 8, 2013), report and recommendation adopted, No. 12-CV-461-JD, 2013 WL 322201 (D.N.H. Jan. 28, 2013). This means that unless Blackmer shows that he is exposed to an "imminent danger of serious physical injury," an in forma pauperis application must be denied. 28 U.S.C. § 1915(g). Blackmer has failed to show in any filing in this action that he is in imminent danger of such injury.

Accordingly, the court should deny the motion for leave to proceed in forma pauperis, and order Blackmer to pay the filing fee within thirty days, to avoid dismissal of this case. Any objections to this report and recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).



Landya McCafferty
United States Magistrate Judge

May 15, 2013

cc: Paul Blackmer, pro se

LBM:nmd